

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: August 7, 2007)

DO NOT PUBLISH

STEPHEN BENSON and KIMBERLY BENSON,)	
as natural parents and guardians of their daughter,)	
MACKENZIE BENSON,)	
)	
Petitioners,)	
)	
v.)	No. 05-1400V
)	Stipulation of Fact;
SECRETARY OF)	Attorney's Fees; Attorney's Costs
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION ON ATTORNEY'S FEES AND ATTORNEY'S COSTS¹

Petitioners, Stephen Benson and Kimberly Benson (Mr. Benson and Ms. Benson or the Bensons), as natural parents of their daughter, Mackenzie Benson (Mackenzie), seek an award of attorney's fees and attorney's costs for an action that they pursued successfully under the National Vaccine Injury Compensation Program (Program).² Because the Bensons received Program compensation, the Act mandates the award of "reasonable attorneys' fees" and "other costs." § 300aa-15(e)(1). The parties stipulate as a matter of fact now that the sum of \$8,205.00 represents a reasonable award for attorney's fees and attorney's costs in this case. *See* Stipulation of Fact Concerning Attorney's Fees and Costs (Stipulation of Fact), filed August 3, 2007, ¶ 3. In addition, the parties stipulate as a matter of fact now that the Bensons did not incur any personal expenses as defined by General Order No. 9. *See* Stipulation of Fact, ¶ 4. The special master has considered carefully the parties' Stipulation of Fact. Based upon his experience, the special master determines

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire decision" will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

that the Stipulation of Fact is appropriate. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in the Bensons' favor for \$8,205.00 in attorney's fees and attorney's costs. The judgment shall provide that the Bensons' attorney of record, Patricia Finn, Esq. (Ms. Finn), may collect \$8,205.00 from the Bensons. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send the Bensons' copy of this decision to the Bensons by overnight express delivery.

John F. Edwards
Special Master